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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,358

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Carl H. Schulman

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DUCKOR SPRADLING METZGER & WYNNE
A LAW CORPORATION
3043 4th Ave.
SAN DIEGO, CA 92103

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,358	Applicant(s) SCHULMAN	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,11,13,21-23,31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,11,13,21-23,31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 2/5/2007.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 33 of the support assembly including a "motor" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 21-23 are objected to because of the following informalities: claim 21, (1) line 4, "supporting apparatus" should be "a supporting apparatus", (2) line 6, "an opening the support" should be an opening of the support". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3, 11, 13, 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of the independent claims, the

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preamble recites "A furniture construction for housing..." or "A support assembly for use with...", this language would lead the examiner to believe the applicant intends to claim only the subcombination of a furniture housing or a support assembly, the electronic component, and/or the plurality of media packages being only functionally recited. The statement of intended use is an indicator that the invention here is the furniture construction or the support assembly per se. This presents no problem as long as the body of the claim also refers to the electronic component and/or the plurality of media packages functionally, such as, "adapted to permit the operation of the component" or "adapted to receive the plurality of media packages". The problem arises when the electronic component and/or the plurality of media packages is positively recited within the body of the claim. In this case there is an inconsistency within the claim. The preamble indicates subcombination, while in the body of the claim in at least one instance there is a positive recital of structure indicating that the combination of a furniture construction or support assembly and electronic component and/or media packages is being claimed. The examiner cannot be sure if applicant's intent is to claim merely the furniture construction/support assembly or the furniture construction/support assembly in combination with an electronic component and/or a plurality of media packages. Applicant is required to clarify what the claim is intended to be drawn to and the claim be amended accordingly. For the purpose of this examination, the examiner is considering that the claims are drawn to the combination.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1, 3, 11, 13, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,456,468 to Stringfellow et al in view of USP 5,199,773 to Price, Jr. et al.

Stringfellow et al discloses a furniture construction/support assembly comprising all the elements recited in the above listed claims, such as shown in Figs 1-2, and 4A-D, including a housing 2 defining an interior that is at least partially enclosed and having a stationary top serving as a stop, means defining an angled opening in an upper portion of the housing to permit viewing the electronic component 6 in its normal operating position, a support assembly for supporting the at least one electronic component 6 in an access position that is generally horizontal and disposed extending at least partially through the opening, and in the normal operating position that is at a downwardly inclined angle at least partially within the interior of said housing permitting the operation of the component, at least one storage compartment (defined as the bottom portion of

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housing 2) structured to receive the plurality of media packages and stored the plurality of media packages within the interior of said housing, wherein the support assembly includes a drawer 44 having a pair of upstanding side walls and an upstanding rear wall, the upstanding walls having a vertical height substantially equal to the vertical height of the angled opening, and the drawer including a top portion. The differences being that Stringfellow does not disclose said support assembly comprising at least one roller.

Price, Jr. et al teaches the idea of providing a furniture construction with a housing defining an interior, and a support assembly comprising a drawer movable between a first position that is generally horizontal and a second position that is at a downwardly inclined angle at least partially within the interior of the housing, and at least one roller, wherein the roller facilitates moving of an article supported by the drawing between the first and second positions. Therefore, in view of the teaching of Price, Jr. et al, it would have been obvious to modify the structure of Stringfellow by providing the support assembly with at least one roller in order to facilitate moving of article placed thereon between the normal operating and access positions, as taught by Price, Jr. et al, since both teach alternate conventional structure of a furniture construction with a housing, used for same intended purpose of supporting article thereon, thereby providing structure as claimed.

10. Claims 31, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stringfellow in view of Price, Jr. et al and Park.

Stringfellow, as modified by Price, discloses all the structural elements recited in the above listed claims as discussed above in paragraph # 9 except for the method

steps recited in said claims, and the support assembly including a motor structured to move the support assembly between said access and normal operating positions.

Park teaches the idea of providing a support assembly of a furniture construction with a motor in order to facilitate moving of the support assembly between a first position that is generally horizontal and a second position that is at a downwardly inclined angle at least partially within the interior of the housing. In view of the teaching of Park, it would have been obvious to modify the structure of Stringfellow by providing the support assembly with a motor in order to facilitate moving of the support assembly between the first and second positions, as taught by Park, since both teach alternate conventional support assembly of a furniture construction, thereby providing structure as claimed. In view of the teachings of Price and Park, Stringfellow, as modified, discloses all the structural limitations recited in said method claims; therefore, it would have been obvious and well within the level of one skill in the art to perform the method steps recited therein.

Response to Arguments

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
April 27, 2007

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai